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Charles Atchison

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EXAMINER

CARDENAS NAVIA, JAIME F

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/687,332	Applicant(s) ATCHISON, CHARLES	
	Examiner Jaime Cardenas-Navia	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This **FINAL** office action is in response to communications received on July 3, 2008. Claims 1, 4-8, 10-11, 14, 17-19, 23-33, and 35-42 have been amended. Claim 3 has been cancelled. Claims 1-2 and 4-42 are pending.

Response to Amendment

2. Applicant's amendments to the drawings are **sufficient to overcome the objections to the drawings** as set forth in the previous office action.
3. Applicant's amendments to the specification are **sufficient to overcome the objections to the specification** as set forth in the previous office action.
4. Applicant's amendments to the claims are **sufficient to overcome all the 35 U.S.C. § 112, first and second paragraph, rejections** as set forth in the previous office action.
5. Applicant's amendments to the claims are **sufficient to overcome the 35 U.S.C. § 101 rejections** set forth in the previous office action.

Response to Arguments

6. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claims 1, 17, and 30 (pp. 15-17, 19-23) that (1) neither Flam nor Lofton teach a centralized server and that (2) all dependent claims are allowable as a result.

Regarding argument (1), Examiner respectfully disagrees. Flam clearly teaches a centralized server (fig. 8). The term "centralized" is a label and does not functionally change the server itself. Thus, the server Flam teaches is "centralized".

Regarding argument (2), Examiner respectfully disagrees as per the argument above.

7. The Examiner would like to note the requirements for traversing official notice from MPEP § 2144.03:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b).

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate [emphasis added].

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Because Applicant has not specifically pointed out any errors in the Examiner's action, the officially noticed facts in the February 7, 2008 Office Action are deemed admitted prior art.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-42 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Flam (US 7,266,764) in view of Lofton (US 2003/0154116 A1).

Regarding claim 1, Flam teaches:

An issue tracking system (col. 4, lines 19-21), comprising:

a centralized server (col. 4, lines 29-31, standard computer is acting as a server) operable to transmit a graphical user interface (col. 6, lines 24-26) for tracking project issues (col. 4, lines 19-21) over a network (col. 4, lines 29-30, Internet is a network);

a database coupled to the centralized server (col. 4, lines 29-31) operable to provide the graphical user interface to the centralized server (col. 6, lines 24-26), the database being further operable to track at least one issue related to a topic (col. 5, lines 35-36, the complaint is an issue, customer service is a topic), to provide access through the centralized server to a plurality of users responsible for resolving said at least one issue (col. 5, lines 36-43, customer complaint specialist and customer complaint specialist's supervisor are plurality of users responsible for resolving the issue);

wherein the centralized server is further operable to transmit a notification to a responsible user for each occurrence of the following: a new issue has been created, a step toward resolution has been entered for at least one issue, or said at least one issue has

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been closed (fig. 12, 14, Assigned To Notification, Start Date, Closed On, col. 5, lines 43-45).

Flam does not teach to provide a storage option for a user to upload data formats.

Lofton teaches to provide a storage option for a user to upload data formats which the user determines would be inefficient to manually enter using a format associated with the graphical user interface (par. 112, lines 1-15, link data are attachments, which are uploaded and in a different data format than the format associated with the graphical user interface).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

Regarding claim 2, official notice is given that wherein the server is operable to communicate using a hypertext markup language was a matter of common knowledge to one skilled in the art at the time of applicant's invention. HTML and its application to servers has been in the public domain since the early 90's.

It would have been obvious to combine the use of HTML with Flam's invention motivated by the fact that Flam's invention teaches using the Internet as the network and that the internet is primarily composed of HTML documents.

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Regarding claim 4, Flam teaches wherein the centralized server is further operable to notify a responsible user via electronic mail (col. 5, lines 43-45).

Regarding claim 5, Flam teaches wherein the database has a table devoted to keeping track of at least one topic corresponding to said at least one issue being tracked (col. 7, lines 24-26 (project is a topic, tasks correspond to projects), col. 10, Project Table 831 is a table for tracking a topic).

Regarding claim 6, Flam teaches wherein the database has a table devoted to keeping track of said at least one issue associated with said at least one topic (col. 5, lines 18-25, col. 9, PR Table 833 is a table devoted to keeping track of an issue (record is an issue) associated with a topic (note the project_id)).

Regarding claim 7, Flam teaches wherein each of said at least one issue comprises a description of the respective issue (col. 9, PR Table 833, all attributes are the description, particularly the name data field), a status associated with the respective issue (col. 9, PR Table 833, lines 50-52), and a sponsor associated with the respective issue (col. 9, PR Table 833, lines 56-58).

Regarding claim 8, Flam teaches wherein each of said at least one issue comprises a priority rating associated with the respective issue (col. 9, PR Table 833, col. 10, lines 13-15).

Regarding claim 9, Flam teaches wherein the database has a table devoted to keeping track of at least one step associated with said at least one issue (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps).

Regarding claim 10, Flam teaches wherein each of said at least one step associated with said at least one issue comprises a description of a step related to the resolution of the respective issue (col. 12, PR_activity Table 839, col. 12, lines 49-50).

Regarding claim 11, Flam teaches wherein the database also maintains a list of persons responsible for a respective topic (col. 9, lines 56-60, col. 35, Project_member Table).

Regarding claim 12, Flam teaches a network operable to transmit information stored in the database to a plurality of users (col. 4, lines 29-31).

Regarding claim 13, Flam teaches a personal computer coupled to the network and having a browser operable to view the information received from the database via the network (col. 4, lines 29-31).

Regarding claim 14, Flam teaches wherein the database is further operable to store issues that have been closed by a responsible user, and transmit information about a closed issue upon receiving a request for the information (col. 9, PR Table 833, lines 52-53, 63-64, col. 7, lines 34-37).

Regarding claim 15, Flam does not teach wherein the storage option is used for uploading a legacy spreadsheet file.

Lofton teaches wherein the storage option is used for uploading a file (par. 112, lines 1-15).

Examiner respectfully notes that "for uploading a legacy spreadsheet file" is considered intended use language, and will not patentably distinguish the claimed invention from the prior art.

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All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

Regarding claim 16, Flam does not teach wherein the storage option is used for uploading a legacy database file.

Lofton teaches wherein the storage option is used for uploading a file (par. 112, lines 1-15).

Examiner respectfully notes that "for uploading a legacy database file" is considered intended use language, and will not patentably distinguish the claimed invention from the prior art.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

Regarding claim 17, Flam teaches:

A method of tracking project issues (col. 4, lines 19-21), comprising the steps of:

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storing a project in a standardized format on a centralized database (col. 4, lines 25-29, col. 10, Project Table 831);

transmitting a graphical user interface for tracking project issues over a network (col. 4, lines 19-21, 29-31, col. 6, lines 24-26);

adding an issue associated with the project to the centralized database (col. 7, lines 24-26, records are issues, col. 9, PR Table 833);

enabling users to add at least one step taken to resolve the issue to the centralized database (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps); and

transmitting a notification to a responsible user associated with the project for each occurrence of the following: a new issue has been created for the project, a step toward resolution has been entered for the issue, or the issue has been closed (fig. 12, 14, Assigned To Notification, Start Date, Closed On, col. 5, lines 43-45).

Flam does not teach to providing an option to a user to upload a data file.

Lofton teaches providing an option to a user to upload a data file (par. 112, lines 1-15, link data are attachments, which are uploaded and in a different data format than the format associated with the graphical user interface).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

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Regarding claim 18, Flam teaches closing the issue upon resolution (col. 9, lines 53-54).

Regarding claim 19, Flam teaches wherein the issue is closed by a system administrator associated with the database (col. 6, lines 16-23).

Regarding claim 20, Flam teaches adding an issue description to the centralized database (col. 9, PR Table 833, all attributes are the description, particularly the name data field).

Regarding claim 21, Flam teaches wherein the issue description includes a status (col. 9, PR Table 833, lines 50-52), a priority rating (col. 9, PR Table 833, col. 10, lines 13-15), and a sponsor (col. 9, PR Table 833, lines 56-58).

Regarding claim 22, Flam teaches adding a step description to the centralized database (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps, col. 12, PR_activity Table 839, col. 12, lines 49-50).

Regarding claim 23, Flam teaches:
receiving a request from a user for the issue and said at least one step; and
providing the issue and said at least one step to the user (col. 7, lines 34-37,
PR_activity Table 839 works the same way, by querying the pr_id).

Regarding claim 24, Flam teaches wherein the issue and said at least one step are provided using hypertext transfer protocol via the network (col. 4, lines 34-40).

Regarding claim 25, Flam teaches:
receiving a request from the user for all issues associated with the project; and
providing said all issues associated with the project to the user (col. 7, lines 34-37).

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Regarding claim 26, Flam teaches wherein all said issues associated with said project are provided in a user sortable format (col. 7, lines 34-37) based on an issue number associated with each issue (col. 9, PR Table 833, lines 41-43), a status associated with each issue (col. 9, PR Table 833, lines 50-52), a priority rating associated with each issue (col. 9, PR Table 833, col. 10, lines 13-15), a classification associated with each issue (col. 9, PR Table 833, col. 10, lines 6-9, category type is a classification, lines 15-17, severity type is a classification), and a sponsor associated with each issue (col. 9, PR Table 833, lines 56-58).

Regarding claim 27, Flam teaches:

receiving a request from a user to add a step to the issue (col. 12, PR_activity Table 839, lines 52-53, col. 6, lines 26-33);

adding the step to the centralized database (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps); and

linking the step to the issue in the centralized database (col. 12, PR_activity Table 839, note the pr_id).

Regarding claim 28, Flam teaches storing a list comprising a plurality of responsible users for the project (col. 9, lines 56-60, col. 35, Project_member Table).

Regarding claim 29, Flam teaches notifying the plurality of responsible users when the issue has been updated or closed (col. 9, PR Table 833, date_updated, lines 52-53, 60-65, col. 7, lines 34-37, col. 5, lines 35-56 provides an example in which an email notifies a supervisor when the issue is updated).

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Regarding claims 30-42, they are rejected using the same art and rationale used above for rejecting claims 17-29. This is because claims 30-42 claim a computer readable memory performing the method of claims 17-29.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 1, 2008

/J. C./
Examiner, Art Unit 3623
/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623